

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**CIVIL CONFERENCE
MINUTE ORDER**

BEFORE: JAMES ORENSTEIN
U.S. MAGISTRATE JUDGE

DATE: 3/18/09
TIME: 9:30 a.m.

Moises Maloof v. Call-A-Head Corp., et al., 08-CV-2873 (SLT) (JO)

TYPE OF CONFERENCE: Status

APPEARANCES: Plaintiffs Justin Zeller
Defendants Robert Nayberg

SCHEDULING: The next pretrial conference will be held on August 5, 2009, at 9:30 a.m.

THE FOLLOWING RULINGS WERE MADE:

1. The plaintiffs will provide discovery as to a representative sample of opt-in plaintiffs, without prejudice to the right of the defendants to later seek similar discovery as to all other opt-in plaintiffs on the basis of a showing that the benefits to be gained from such discovery would not outweigh the associated burdens. In that regard, I will consider the extent to which the plaintiffs have made efforts to provide information, however informally, about the hours worked by opt-in plaintiffs outside the representative group (such as by soliciting such information from all opt-in plaintiffs and disclosing the results of that survey to the defendants), in resolving any later dispute about the need for discovery beyond the representative group.
2. The parties will confer as to whether they unanimously wish to refer the class certification motion to me for resolution, and advise the court of their decision as soon as practicable.
3. The parties currently expect to complete discovery on schedule, but I will entertain an application to revisit the schedule to the extent that developments with respect to class certification warrant doing so.

SO ORDERED

/s/ James Orenstein
JAMES ORENSTEIN
U.S. Magistrate Judge